

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

VIRGINIA L. GIUFFRE,

*Plaintiff,*

v.

**PRINCE ANDREW, DUKE OF YORK,  
a/k/a ANDREW ALBERT CHRISTIAN  
EDWARD, in his personal capacity,**

*Defendant.*

Case No. 1:21-cv-06702-LAK

**ANSWER AND AFFIRMATIVE  
DEFENSES AND DEMAND FOR  
JURY TRIAL**

Defendant Prince Andrew, Duke of York (“Prince Andrew”), by and through his attorneys at Lavelly & Singer, P.C., answers the complaint filed by plaintiff Virginia L. Giuffre (“Giuffre”), on August 9, 2021 (the “Complaint”), as follows:

**NATURE OF THE ACTION**

1. Prince Andrew denies the allegations contained in paragraph one of the Complaint.
2. Prince Andrew lacks sufficient information to admit or deny the allegations contained in paragraph two of the Complaint.
3. Prince Andrew lacks sufficient information to admit or deny the allegations contained in paragraph three of the Complaint.
4. Prince Andrew lacks sufficient information to admit or deny the allegations contained in paragraph four of the Complaint.
5. Prince Andrew lacks sufficient information to admit or deny the allegations contained in paragraph five of the Complaint.
6. Prince Andrew denies the allegations contained in paragraph six of the Complaint.

7. Prince Andrew denies the first clause in paragraph seven of the Complaint. He lacks sufficient information to admit or deny the remaining allegations contained in that paragraph.

8. Prince Andrew admits that he met Jeffrey Epstein (“Epstein”) in or around 1999. He denies the remaining allegations contained in paragraph eight of the Complaint.

9. Prince Andrew denies the allegations contained in paragraph nine of the Complaint.

10. Prince Andrew denies the allegations contained in the first sentence of paragraph ten of the Complaint. The remainder of that paragraph amounts to a legal conclusion to which no response is required. To the extent a response is required, Prince Andrew denies the remainder of the allegations contained in paragraph ten of the Complaint.

11. The contentions in paragraph eleven of the Complaint are legal conclusions to which no response is required. To the extent a response is required, Prince Andrew denies the allegations contained in paragraph eleven.

#### **PARTIES**

12. Prince Andrew disputes that Giuffre is domiciled in the State of Colorado and on that basis denies the allegations in paragraph twelve of the Complaint.

13. Prince Andrew admits paragraph thirteen of the Complaint.

#### **JURISDICTION AND VENUE**

14. Paragraph fourteen of the Complaint consists of legal conclusions to which no response is required. To the extent a response is required, Prince Andrew disputes and denies that the Court has subject matter jurisdiction over this dispute on the grounds that Giuffre is not domiciled in Colorado.

15. Paragraph fifteen of the Complaint consists of legal conclusions to which no response is required. To the extent a response is required, Prince Andrew denies the allegations in this paragraph.

16. Paragraph sixteen of the Complaint consists of legal conclusions to which no response is required. To the extent a response is required, Prince Andrew denies the allegations in this paragraph.

### **FACTUAL ALLEGATIONS**

#### **A. Epstein's Alleged Sex Trafficking Enterprise**

17. Prince Andrew lacks sufficient information to admit or deny the allegations contained in paragraph seventeen of the Complaint.

18. Prince Andrew lacks sufficient information to admit or deny the allegations contained in paragraph eighteen of the Complaint.

19. Prince Andrew lacks sufficient information to admit or deny the allegations contained in paragraph nineteen of the Complaint.

20. Prince Andrew lacks sufficient information to admit or deny the allegations contained in paragraph twenty of the Complaint.

21. Prince Andrew lacks sufficient information to admit or deny the allegations contained in paragraph twenty-one of the Complaint.

22. Prince Andrew lacks sufficient information to admit or deny the allegations contained in paragraph twenty-two of the Complaint.

23. Prince Andrew lacks sufficient information to admit or deny the allegations contained in paragraph twenty-three of the Complaint.

24. Prince Andrew lacks sufficient information to admit or deny the allegations contained in paragraph twenty-four of the Complaint.

25. Prince Andrew lacks sufficient information to admit or deny the allegations contained in paragraph twenty-five of the Complaint.

26. Prince Andrew lacks sufficient information to admit or deny the allegations contained in paragraph twenty-six of the Complaint, including those pertaining to the graphic embedded therein.

27. Prince Andrew lacks sufficient information to admit or deny the allegations in paragraph twenty-seven of the Complaint pertaining to the alleged abuse of Giuffre at the hands of Epstein and denies the remaining allegations contained in this paragraph.

28. Prince Andrew lacks sufficient information to admit or deny the allegations contained in paragraph twenty-eight of the Complaint. To the extent the allegations in this paragraph are predicated on any alleged abuse at the hands of Prince Andrew, he denies the allegations in this paragraph.

29. Prince Andrew lacks sufficient information to admit or deny the allegations contained in paragraph twenty-nine of the Complaint.

**B. Defendant's Alleged Relationship with Epstein and Maxwell**

30. Prince Andrew admits that he met Epstein in or around 1999. He denies the remaining allegations in the first sentence of paragraph thirty of the Complaint, and lacks sufficient information to admit or deny the allegations contained in the second sentence of that paragraph.

31. Prince Andrew lacks sufficient information to admit or deny the allegations contained in paragraph thirty-one of the Complaint.

32. Prince Andrew admits the first sentence of paragraph thirty-two of the Complaint. He denies the remaining allegations contained in that paragraph.

33. Prince Andrew lacks sufficient information to admit or deny the allegations contained in paragraph thirty-three of the Complaint.

34. Prince Andrew admits the first sentence of paragraph thirty-four of the Complaint. He lacks sufficient information to admit or deny any allegation pertaining to the authenticity the BBC article referenced in paragraph thirty-four.

35. Prince Andrew lacks sufficient information to admit or deny the allegations contained in paragraph thirty-five of the Complaint.

**C. Defendant's Alleged Sexual Abuse of Plaintiff**

36. Prince Andrew denies the allegations contained in paragraph thirty-six of the Complaint.

37. Prince Andrew denies the allegations contained in paragraph thirty-seven of the Complaint.

38. Prince Andrew lacks sufficient information to admit or deny the allegations contained in paragraph thirty-eight of the Complaint.

39. Prince Andrew denies the allegations contained in paragraph thirty-nine of the Complaint.

40. Prince Andrew denies the allegations contained in paragraph forty of the Complaint.

41. Prince Andrew denies the allegations contained in paragraph forty-one of the Complaint.

42. Prince Andrew denies the allegations contained in paragraph forty-two of the Complaint.

43. Prince Andrew denies the allegations contained in paragraph forty-three of the Complaint.

44. Prince Andrew denies the allegations contained in paragraph forty-four of the Complaint and denies that he ever engaged in sexual acts with Giuffre.

45. Prince Andrew denies the allegations contained in paragraph forty-five of the Complaint.

46. Prince Andrew denies the allegations contained in paragraph forty-six of the Complaint.

47. Prince Andrew denies the allegations contained in paragraph forty-seven of the Complaint and denies that he ever engaged in sexual acts with Giuffre.

48. Prince Andrew denies the allegations contained in paragraph forty-eight of the Complaint.

**D. The Arrest, Prosecution, and Death of Epstein, and Prince Andrew's Alleged Refusal to Cooperate with the Authorities.**

49. Prince Andrew lacks sufficient information to admit or deny the allegations contained in paragraph forty-nine of the Complaint.

50. Prince Andrew admits the second clause of paragraph fifty of the Complaint. He lacks sufficient information to admit or deny the remaining allegations contained in that paragraph.

51. Prince Andrew lacks sufficient information to admit or deny the allegations contained in paragraph fifty-one of the Complaint.

52. Prince Andrew lacks sufficient information to admit or deny the allegations contained in paragraph fifty-two of the Complaint.

53. Prince Andrew lacks sufficient information to admit or deny the allegations contained in paragraph fifty-three of the Complaint.

54. Prince Andrew lacks sufficient information to admit or deny the allegations contained in paragraph fifty-four of the Complaint.

55. Prince Andrew lacks sufficient information to admit or deny the allegations contained in paragraph fifty-five of the Complaint.

56. Prince Andrew lacks sufficient information to admit or deny the allegations contained in paragraph fifty-six of the Complaint.

57. Prince Andrew lacks sufficient information to admit or deny the allegations contained in paragraph fifty-seven of the Complaint.

58. Prince Andrew denies that he was a co-conspirator of Epstein or that Epstein trafficked girls to him. Prince Andrew lacks sufficient information to admit or deny the remaining allegations contained in paragraph fifty-eight of the Complaint.

59. Prince Andrew lacks sufficient information to admit or deny the allegation that there exists photographic evidence of his alleged meeting with Giuffre. Prince Andrew admits the remainder of paragraph fifty-nine of the Complaint.

60. Prince Andrew admits paragraph sixty of the Complaint.

61. Prince Andrew denies the allegations contained in the first sentence of paragraph sixty-one of the Complaint. Prince Andrew lacks sufficient information to admit or deny the remaining allegations contained in that paragraph.

62. Prince Andrew denies the allegations contained in paragraph sixty-two of the Complaint.

63. The allegations contained in paragraph sixty-three of the Complaint consist of legal conclusions and impermissible legal argument to which no response is required. To the extent a response is required, Prince Andrew denies the allegations contained in this paragraph and in Exhibit A attached to the Complaint.

64. The contentions contained in paragraph sixty-four of the Complaint consist of legal conclusions and impermissible legal argument to which no response is required. To the extent a response is required, Prince Andrew denies the allegations contained in this paragraph.

### **FIRST CAUSE OF ACTION**

#### **(Battery)**

65. Prince Andrew repeats and re-asserts his responses stated above, as if fully set forth herein.

66. Prince Andrew denies the allegations contained in paragraph sixty-six of the Complaint.

67. The allegations contained in paragraph sixty-seven of the Complaint consist of legal conclusions to which no response is required. To the extent a response is required, Prince Andrew denies the allegations contained in this paragraph.

68. The allegations contained in paragraph sixty-eight of the Complaint consist of legal conclusions to which no response is required. To the extent a response is required, Prince Andrew lacks sufficient information to admit or deny the allegations contained in this paragraph.

## SECOND CAUSE OF ACTION

### **(Intentional Infliction of Emotional Distress)**

69. Prince Andrew repeats and re-asserts his responses stated above, as if fully set forth herein.

70. The allegations contained in paragraph seventy of the Complaint consist of legal conclusions to which no response is required. To the extent a response is required, Prince Andrew denies the allegations contained in this paragraph.

71. The allegations contained in paragraph seventy-one of the Complaint consist of legal conclusions to which no response is required. To the extent a response is required, Prince Andrew denies the allegations contained in this paragraph.

72. The allegations contained in paragraph seventy-two of the Complaint consist of legal conclusions and impermissible argument to which no response is required. To the extent a response is required, and to the extent the allegations in this paragraph are predicated on any alleged abuse at the hands of Prince Andrew, he denies the allegations in this paragraph.

73. The allegations contained in paragraph seventy-three of the Complaint consist of legal conclusions to which no response is required. To the extent a response is required, and to the extent the allegations in this paragraph are predicated on any alleged abuse at the hands of Prince Andrew, he denies the allegations in this paragraph.

### **AFFIRMATIVE DEFENSES**

Prince Andrew hereby asserts the following affirmative defenses without assuming the burden of proof, and expressly denying any and all wrongdoing:

#### **FIRST AFFIRMATIVE DEFENSE**

##### **(Lack of Subject Matter Jurisdiction)**

1. Giuffre's Complaint should be dismissed because this Court lacks subject matter jurisdiction over the action, due to Giuffre's improper assertion of diversity jurisdiction notwithstanding that she is a permanent resident of Australia and not a domiciliary of Colorado.

**SECOND AFFIRMATIVE DEFENSE**

**(Waiver and Release)**

2. Giuffre, through her own actions, inactions, and other conduct – including, without limitation, entering into the 2009 Release Agreement with Epstein containing a broad third-party release of her claims against Prince Andrew and others – waived the claims now asserted in the Complaint.

**THIRD AFFIRMATIVE DEFENSE**

**(Laches)**

3. Giuffre is barred, in whole or in part, from obtaining the requested relief based on the doctrine of laches.

**FOURTH AFFIRMATIVE DEFENSE**

**(Damages Contributed to by Others)**

4. Assuming, without admitting, that Giuffre has suffered any injury or damage, Giuffre and/or others, who are not Prince Andrew, contributed in whole or in part to the alleged damage.

**FIFTH AFFIRMATIVE DEFENSE**

**(Consent)**

5. Assuming, without admitting, that Giuffre has suffered any injury or damage alleged in the Complaint, Giuffre's claims are barred by the doctrine of consent.

**SIXTH AFFIRMATIVE DEFENSE**

**(Unclean Hands)**

6. Giuffre's alleged causes of action are barred in whole or in part by her own wrongful conduct and the doctrine of unclean hands.

**SEVENTH AFFIRMATIVE DEFENSE**

**(Estoppel)**

7. As a result of Giuffre's knowledge, conduct, words and/or actions, Giuffre's claims are barred, in whole or in part, by the doctrine of estoppel.

**EIGHTH AFFIRMATIVE DEFENSE**

**(Statute of Limitations)**

8. Giuffre's claims are barred in whole or in part by the applicable statute(s) of limitations.

**NINTH AFFIRMATIVE DEFENSE**

**(Speculative Damages)**

9. Giuffre cannot recover the damages alleged in the Complaint because such damages, if any, are too speculative to be recoverable at law.

**TENTH AFFIRMATIVE DEFENSE**

**(No Right to Exemplary or Punitive Damages)**

10. Giuffre's prayer for exemplary or punitive damages is barred because the Complaint fails to allege facts sufficient to entitle Giuffre to recover exemplary or punitive damages from Prince Andrew. Moreover, any award of punitive damages is unconstitutional if it is excessive under the due process clause of the Fourteenth Amendment.

**ELEVENTH AFFIRMATIVE DEFENSE**

**(Failure to State a Claim)**

11. Giuffre's causes of action fail to state facts sufficient to constitute viable causes of action against Prince Andrew.

**ADDITIONAL AFFIRMATIVE DEFENSES**

12. Prince Andrew presently has insufficient information upon which to form a belief as to whether he may have additional, as yet unstated, affirmative defenses available. Prince Andrew therefore expressly and specifically reserves the right to amend this Answer to add, delete and/or modify affirmative defenses based on legal theories, facts, and circumstances that may be or will be divulged through discovery and/or through legal analysis of Prince Andrew in this action.

**PRAYER FOR RELIEF**

**WHEREFORE**, Prince Andrew prays for relief as follows:

- (a) That Giuffre's Complaint and the first and second causes of action pleaded therein be dismissed with prejudice;
- (b) That Giuffre take nothing by her Complaint and that judgment be entered against Giuffre in favor of Prince Andrew;
- (c) That Prince Andrew be granted such other and further relief as this Court may deem just and proper.

**JURY DEMAND**

Prince Andrew hereby demands a trial by jury on all causes of action asserted in the Complaint.

Respectfully submitted,

Dated: January 26, 2022  
Los Angeles, California

LAVELY & SINGER, P.C.

s/Andrew B. Brettler

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